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6 DANNY CARDENAS, G36254,  
7 Plaintiff,  
8 v.  
9 CALIFORNIA,  
10 Defendant(s).

Case No. [20-cv-07538-CRB](#) (PR)

**ORDER OF DISMISSAL**

11 On February 2, 2021, the court dismissed plaintiff's "confusing if not outright  
12 unintelligible" prisoner complaint under 42 U.S.C. § 1983 with leave to amend to file a simple and  
13 concise amended complaint that makes clear "who is being sued, for what relief, and on what  
14 theory . . ." ECF No. 11 at 1, 2 (citation and internal quotation marks omitted). And because the  
15 complaint appears to be directed at a host of private individuals, the court reminded plaintiff that  
16 "a private individual does not act under color of state law, an essential element of a § 1983  
17 action." *Id.* at 2 (citing *Gomez v. Toledo*, 446 U.S. 635, 640 (1980)).

18 On February 18, 2021, plaintiff filed an amended complaint the clerk docketed as a letter.  
19 See ECF No. 12. The amended complaint makes clear that plaintiff's allegations are directed at  
20 "Crystal Ann Cardenas," a private individual who he claims falsely accused him of "touch[ing]  
21 her 3 year old privately totally false." *Id.* at 1. But because purely private conduct, no matter how  
22 wrongful, is not covered under § 1983, see *Outzs v. Maryland Nat'l Ins. Co.*, 505 F.2d 547, 550  
23 (9th Cir. 1974), plaintiff's allegations fail to state a claim upon which relief may be granted and  
24 this action must be DISMISSED with prejudice under the authority of 28 U.S.C. § 1915A(b).

25 The clerk is directed to close the file and terminate all pending motions as moot.

26 **IT IS SO ORDERED.**

27 Dated: March 11, 2021

  
28 CHARLES R. BREYER  
United States District Judge